



Ohio Administrative Code Rule 4901:1-40-06 Force majeure.

Effective: June 15, 2023

An electric utility or electric services company may seek a force majeure determination from the commission for all or part of a minimum renewable-energy benchmark.

(A) A decision on a request for a force majeure determination will be rendered within ninety days of an electric utility or electric services company filing a request for such determination.

(1) At the time of requesting such a determination from the commission, an electric utility or electric services company shall demonstrate that it pursued all reasonable compliance options including, but not limited to, renewable energy credit (REC) solicitations, REC banking, and long-term contracts.

(2) The request shall include an assessment of the availability of qualified resources within the service territories of any regional transmission organizations that manage transmission systems located in Ohio.

(B) If the commission determines that force majeure conditions exist, it may modify that compliance obligation of the electric utility or electric services company, as it considers appropriate to accommodate the finding.

(1) Such modification does not automatically reduce future-year obligations.

(2) The commission retains the right to increase a future year's compliance obligation by the amount of any under compliance in a previous year that is attributed to a force majeure determination.
